

# County Counsel

Anthony J. La Bouff, County Counsel

## **MISSION STATEMENT**

To provide high-quality legal advice, representation and counsel to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts in order to assist those making decisions for the public good and to vigorously represent the County in litigation.

## COUNTY COUNSEL FUND 100 / APPROPRIATION 10450

	Actual 2003-04	Actuals 2004-05	Requested 2005-06	Recommended 2005-06	Change %	Adopted 2005-06
<b>Expenditures</b>						
Salaries and Employee Benefits	\$ 2,167,739	\$ 2,644,128	\$ 3,107,041	\$ 3,084,663	17%	\$ 3,084,663
Services and Supplies	266,822	378,212	546,539	546,539	45%	764,539
Other Charges	940	-	-	-	0%	-
Intra Fund Charges	570	953	3,000	3,000	215%	3,000
<b>Gross Budget:</b>	<u>2,436,071</u>	<u>3,023,293</u>	<u>3,656,580</u>	<u>3,634,202</u>	20%	<u>3,852,202</u>
Intra Fund Credits	(769,149)	(749,489)	(937,889)	(947,064)	26%	(947,064)
<b>Net Budget:</b>	<u>\$ 1,666,922</u>	<u>\$ 2,273,804</u>	<u>\$ 2,718,691</u>	<u>\$ 2,687,138</u>	18%	<u>\$ 2,905,138</u>
<b>Revenue</b>						
Charges for Services	\$ 705,307	\$ 633,830	\$ 689,641	\$ 689,641	9%	\$ 689,641
Miscellaneous Revenue	47,792	32,130	-	-	-100%	-
<b>Total Revenue:</b>	<u>753,099</u>	<u>665,960</u>	<u>689,641</u>	<u>689,641</u>	4%	<u>689,641</u>
<b>Net County Cost:</b>	<u>\$ 913,823</u>	<u>\$ 1,607,844</u>	<u>\$ 2,029,050</u>	<u>\$ 1,997,497</u>	24%	<u>\$ 2,215,497</u>
Allocated Positions	22	24	24	24	0%	24

## CORE FUNCTIONS

### County Counsel Services

Provides legal advice to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts by attending and participating in meetings and hearings, by responding to questions with legal opinions both orally and in writing, by reviewing contracts, agenda items and other documents required for county business, and by assisting in the preparation of resolutions and ordinances.

The office provides effective legal counsel and advocacy in representing the County in litigation including tort, contract and writ actions, as well as child and adult protective services, mental health, public guardian and public administrator matters.

### FY 2004-05 Major Accomplishments

- Represented the Department of Health and Human Services in 350 new Child Protective Services proceedings and 600 ongoing dependency cases, as well as restructuring the process for administration of public administrator cases and assisting in its incorporation with the department.
- Counseled the Personnel Department and the County Executive Office (CEO) in the development of county processes for addressing accommodation under the Americans with Disabilities Act (ADA), complaints of discrimination and harassment, employee discipline, and other workplace issues to ensure compliance with applicable federal and state laws.

### Administration & Financial Services

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- Assisted the Personnel Department and the County Executive Office in labor relations issues, including representing departments before the Civil Service Commission (CSC), Public Employees Relations Board (PERB) and Fair Employee Housing Act (FEHA) in grievance, disciplinary and unfair labor practice allegations, development of process improvements as a part of the Employee Relations Committee/Conflict Resolution Committee. Participation with County Executive Office and Personnel Department in labor negotiations on behalf of Placer County management and on behalf of the In-Home Supportive Services Public Authority.
- Participated in the implementation of the Placer Legacy Program, including the preparation of a proposed Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP), and the proposed aquatic resources permitting program and assisted in various activities for the acquisition of open space and conservation easements, including the closing of the County's acquisition of the Gould property and the Didion property.
- Assisted the County Executive Office, the Auditor-Controller and the Facility Services Department in addressing issues related to the Trial Court Facilities Act, and preparation for the anticipated transfer of county court facilities.
- Assisted the County Executive Office, the Sheriff's Department and the Probation Department in the assessment and collection of fees for the cost of county services, represented Probation Department and Sheriff's Department in the protection of department records in *Stoner v. Superior Court* and *People v. Zachary*. Implementation of process for administration of bail bond forfeitures.
- Assisted the Department of Public Works in the ensuring compliance with the National Pollutant Discharge Elimination System (NPDES) program, including the preparation of the County storm water discharge ordinance, erosion control projects and consultant contracts, and assisted the Planning Department in its preparation of the Foresthill Community Plan, the updating of the County Williamson Act Rules and the drafting and review of the proposed employee housing and inclusionary housing ordinances and the supporting housing studies.
- Provided guidance and assistance to Health and Human Services to assist the department in the implementation of the federal Health Insurance Portability and Accountability Act (HIPAA) for compliance with the law, and assist Environmental Health on the drafting and adoption of the update of its On-Site Sewage Ordinance.
- Represented the County and county employees in tort litigation, including obtaining a favorable judgment after a jury trial in federal court in *Moseley v. County* and summary dismissals in a number of cases brought against county law-enforcement departments over the enforcement of criminal laws, as well as assisting Risk Management with review and administration of claims for money damages.
- Defense of Board of Supervisors' decisions in a number of land use writ actions, assisted in improvements to the administrative processes in environmental review, planning and code enforcement, and participated in the implementation of the County Noise Ordinance and the review of a proposed Animal Noise Ordinance.
- Assisted the Department of Facility Services on a number of legal issues involved with the planning and development of the Land Development Center, the Auburn Justice Center and the South Placer Justice Center, and with the closing of the sale of the downtown Auburn Maple Street properties, and the acquisition of the Twin Schools/Feist Park site in Granite Bay.

## FY 2005-06 Planned Accomplishments

- Maintain the highest quality of services while providing timely responses to requests for legal services and effective representation to meet the County's changing needs.
- Continue to vigorously defend and prosecute actions on behalf of the County, its departments, officers and employees in tort, non-tort and social services litigation, and to increase training on legal issues.

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- Assist in the preparation and implementation of the Placer County Conservation Plan to consolidate federal, state and local permitting and to integrate resource permitting into the local environmental process.
- Develop mechanism for efficient processing and coordination of land use issues so that legal advice can be provided at the earliest opportunity.
- Assist in the processing and financial planning for major projects in western Placer County including De La Salle, Placer Ranch, Placer Vineyards, Placer Parkway, and the Curry Creek Community Plan.
- Expand training on Brown Act and Public Records Act to Placer County staff, special districts and The Grand Jury.
- Assist in further refining Placer County policies and procedures in dealing with employee and workplace issues, and in training Placer County staff on these policies.
- Increase the frequency of ongoing training for social workers and have attorneys meet with social-worker teams on a quarterly basis to resolve issues before court intervention.
- Continue to work toward implementing a case-management system to improve both the efficiency and the accountability of legal services provided by the department.

## Department Comments

The legal environment in which we practice has become more complex with the passing of each fiscal year. The mandates of statutory law and the interpretation of those laws by the Courts have dramatically increased over the past 10 years. We expect this trend to continue into the future. The greatest challenge that we face is in continuing to improve the efficiency of our services so that we can meet our responsibilities within the constraints of the budget, particularly in difficult budget years. We continue to believe that the legal services provided by our office are of the highest quality and delivered on a much more cost-effective basis than legal services available through outside providers.

## County Executive Comments And Recommendations

The department is reorganizing managerial functions so that a senior attorney will supervise a major function and the attorneys and support staff that work in that function. The senior attorneys are recommended to be reclassified from senior deputy county counsel to supervising deputy county counsel. This will affect three attorneys, however no new positions are requested. The functions for which they will be responsible are litigation, land development, and Health and Human Services.

In addition, the department requests that \$40,000 be allocated for the purchase and implementation of a case management software system. This is necessary for more efficient tracking of the time attorneys and support staff members spend on cases and issues. The current system is inadequate and time consuming. The proposed system is designed specifically for law entities and would enable County Counsel to be much more accurate in tracking staff time. This system would also enable County Counsel to produce meaningful data for performance measurement.

Department requested funding consideration for final budget:

- Case Management Software (\$40,000)
- Reclassification salary and benefit costs (\$36,000)

## Final Budget Changes from the Proposed Budget

The final budget includes funding for legal services related to land use issues (\$150,000), and the case management software system noted above (\$68,000).

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## CORE FUNCTION: COUNTY COUNSEL

### Advisory Legal Services Program

**Program Purpose:** To provide timely and accurate legal advice to the Board of Supervisors, the County Executive Office, county boards and commissions, county officers and departments and special districts in response to oral and written requests in order to assist those making decisions for the public good.

**Total Expenditures:** \$1,828,290

**Total Staffing:** 12.00

- **Key Intended Outcome:** County departments, officer and employees are provided timely and effective legal advice to support the County's decision-making.

Advisory Legal Services Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
# of hours of legal services for the Land Use Services System	3,248	3,789	1,269	1,300
# of hours of legal services for the Health and Human Support Services System	1,530	3,311	3,412	3,400
# of hours of legal services for the Public Protection Services System	940	931	292	215
# of hours of legal services for the Administration and Financial Services System	2,872	3,035	1,073	1,050
# of hours of legal services for the Community and Cultural Services System	850	937	152.5	125
% of clients who rate quality and timeliness of services provided as excellent	95%	95%	95%	95%

**Program Comments:** The County continues to experience growing demand for legal services in area of land use and development. This increasing demand is expected for the foreseeable future, particularly in light of the development activities in western Placer County. It will be a challenge to meet these needs as a number of large projects are processed through the land development system.

### Litigation Program

**Program Purpose:** To provide effective legal counsel to County agencies and employees, in tort, contract and writ actions and in child and adult protective services, mental health, public guardian and public administrator matters, in order to provide successful defense of actions that minimize settlements amounts and judgments, successful prosecution of actions to recover county funds or enforce county ordinances and effective advocacy to protect children and vulnerable adults.

**Total Expenditures:** \$1,828,290

**Total Staffing:** 12.00

- **Key Intended Outcome:** Successful defense of actions that minimize settlement amounts and judgments, and successful prosecution of actions to recover county funds or enforce county ordinances and the protection of children and vulnerable adults.

# County Counsel

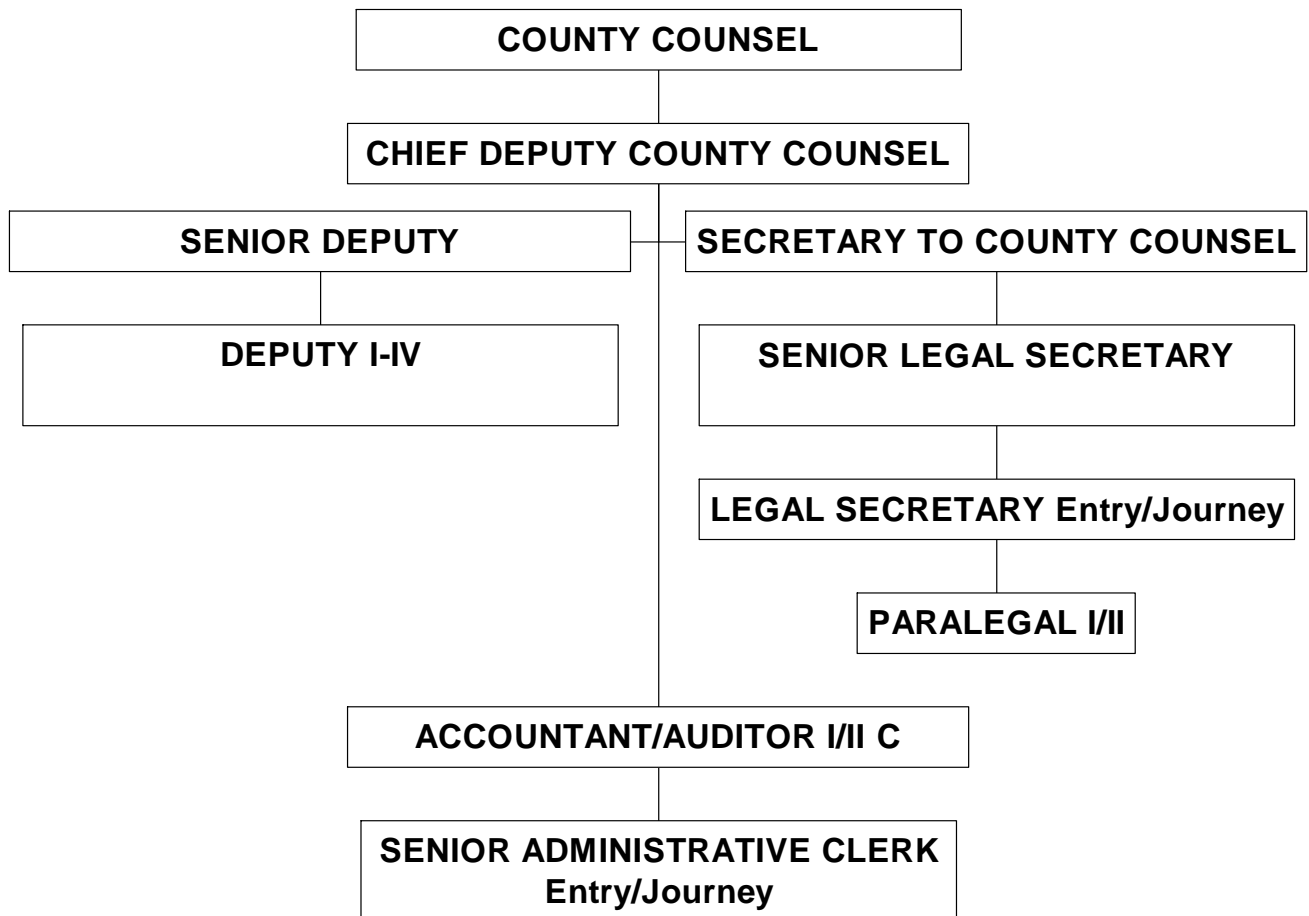
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Litigation Indicators:	Actual 2002-03	Actual 2003-04	Actual 2004-05	Projected 2005-06
# of tort cases	51	58	35	39
# of non-tort cases	41	47	44	45
# of bail bond cases	N/A	N/A	75	75
# of new child-protection services non-court cases	384	310	83	90
# of ongoing child-protection services court cases	612	567	536	525
# of conservatorship/public guardian cases	181	169	171	160
# of public-administrator cases	60	47	26	0
% of client who rate quality and effectiveness of services provided as excellent	N/A	95%	95%	95%

**Program Comments:** The number of non-tort cases continues to increase, particularly land use writ actions. While many of these cases are primarily handled by developers' counsel pursuant to indemnity agreements, county projects are increasingly the subject of litigation. The County also continues to experience increasing caseloads in child protection services cases. County Counsel has worked over this last fiscal year to assure the successful restructuring of public administrator matters within the Department of Health and Human Services. The addition of an additional staff member in the area of land development and financing will assist in meeting the increasing demands of land development litigation.

# COUNTY COUNSEL'S OFFICE



POSITIONS: 24

**COUNTY COUNSEL  
APPROPRIATION SUMMARY  
Fiscal Year 2005-06**

**ADMINISTERED BY: COUNTY COUNSEL**

Appropriation	FY 2004-05		FY 2005-06	
	Actual	Position Allocations	BOS Adopted Budget	Position Allocations
<b>GENERAL FUND</b> County Counsel	\$ 2,273,804	24	\$ 2,905,138	\$ 24
<b>TOTAL ALL FUNDS</b>	\$ 2,273,804	24	\$ 2,905,138	24

# County Counsel

## General Fund

**Fund: 100**

**Subfund: 0**

**Appropriation: 10450**

Budget Category (1)	Actual 2003-04 (2)	Actual 2004-05 (3)	Dept Req 2005-06 (4)	CEO Rec 2005-06 (5)	BOS Adopted 2005-06 (6)
<b>Salaries &amp; Benefits</b>					
1002 Salaries and Wages	1,647,819	1,880,566	2,224,239	2,166,984	2,166,984
1003 Extra Help	20,734	5,758			
1006 Sick Leave Payoff	2,018				
1099 Salaries and Wages Undistributed		260			
1300 P.E.R.S.	172,605	352,900	446,659	450,213	450,213
1301 F.I.C.A.	112,658	131,753	138,142	170,154	170,154
1310 Employee Group Ins	202,480	247,707	272,422	272,422	272,422
1315 Workers Comp Insurance	9,425	25,184	25,579	24,890	24,890
<b>Total Salaries &amp; Benefits</b>	<b>2,167,739</b>	<b>2,644,128</b>	<b>3,107,041</b>	<b>3,084,663</b>	<b>3,084,663</b>
<b>Services &amp; Supplies</b>					
2051 Communications - Telephone	21,224	24,558	26,754	26,754	26,754
2290 Maintenance - Equipment		117	500	500	500
2291 Maintenance - Computer Equip			1,200	1,200	1,200
2431 Professional Dues			12,000	12,000	12,000
2439 Membership/Dues	6,796	7,151			
2481 PC Acquisition	5,990	8,235	12,900	12,900	12,900
2511 Printing	7,832	6,323	8,000	8,000	8,000
2522 Other Supplies	678	407	2,100	2,100	2,100
2523 Office Supplies & Exp	8,332	9,211	11,700	11,700	11,700
2524 Postage	2,594	2,936	4,000	4,000	4,000
2555 Prof/Spec Svcs - Purchased	152,401	253,771	389,500	389,500	539,500
2709 Rents & Leases - Computer SW	6,671	7,111			
2710 Rents & Leases - Equipment	883	870			
2809 Rents and Leases-PC	915	334			
2838 Special Dept Expense-1099 Repor	57	49			
2840 Special Dept Expense	8,562	11,420	15,600	15,600	83,600
2844 Training	5,153	7,635	7,000	7,000	7,000
2860 Library Materials	25,830	20,889	28,785	28,785	28,785
2931 Travel & Transportation	6,079	10,081	18,000	18,000	18,000
2932 Mileage	6,790	7,069	8,000	8,000	8,000
2941 County Vehicle Mileage	35	45	500	500	500
<b>Total Services &amp; Supplies</b>	<b>266,822</b>	<b>378,212</b>	<b>546,539</b>	<b>546,539</b>	<b>764,539</b>
<b>Other Charges</b>					
3932 Non-Tort Litigation	940				
<b>Total Other Charges</b>	<b>940</b>				
<b>Charges From Departments</b>					
5290 I/T Maintenance - Equipment	205				
5405 I/T Maintenance - Bldgs & Improvem	126	150	3,000	3,000	3,000
5456 I/T Miscellaneous Expense	120	768			
5522 I/T Other Supplies	119				
5844 I/T Training		35			
<b>Total Charges From Departments</b>	<b>570</b>	<b>953</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
<b>Gross Budget</b>	<b>2,436,071</b>	<b>3,023,293</b>	<b>3,656,580</b>	<b>3,634,202</b>	<b>3,852,202</b>
<b>Less: Charges to Departments</b>					
5002 I/T - County General Fund	(743,994)	(722,311)	(937,889)	(947,064)	(947,064)
5008 I/T - County Office Bldg Fund	(25,155)	(17,115)			
5014 I/T - Comm Revitalization Fund		(10,063)			
<b>Total Charges to Departments</b>	<b>(769,149)</b>	<b>(749,489)</b>	<b>(937,889)</b>	<b>(947,064)</b>	<b>(947,064)</b>
<b>Net Budget</b>	<b>1,666,922</b>	<b>2,273,804</b>	<b>2,718,691</b>	<b>2,687,138</b>	<b>2,905,138</b>



# County Counsel

## General Fund

Fund: 100

Subfund: 0

Appropriation: 10450

Budget Category (1)	Actual 2003-04 (2)	Actual 2004-05 (3)	Dept Req 2005-06 (4)	CEO Rec 2005-06 (5)	BOS Adopted 2005-06 (6)
Less: Revenues					
8120 Legal Services - Insurance	(608,738)	(531,653)	(689,641)	(689,641)	(689,641)
8122 Legal Services	(95,489)	(81,805)			
8212 Other General Reimbursement	(1,080)	(18,934)			
8261 Other Multi Dept Applications		(1,063)			
8269 Planning - At Cost Projects Fees		(375)			
8753 Other Sales	(47,792)	(4,005)			
8764 Miscellaneous Revenues		(28,125)			
Total Revenues	(753,099)	(665,960)	(689,641)	(689,641)	(689,641)
Net County Cost	913,823	1,607,844	2,029,050	1,997,497	2,215,497